

REMARKS/ ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Objections to the Specification

Examiner has objected to the Abstract of the Specification. Applicants have amended the Abstract per the Examiner's suggestion. No new matter has been added.

Objections to the Claims

Examiner has objected to claim 2 because of certain informalities. Claim 2 has been amended to overcome this objection. No new matter has been added.

35 U.S.C. § 102(e) Rejections

Examiner rejected claims 1, 2, and 4-6 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,219,420 (hereinafter "Hardy et al").

To anticipate a claims, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

Applicant's independent claims 1 and 4 include claim limitations that are not disclosed nor suggested by Hardy et al. Therefore, as a result, applicant's independent claims are not anticipated by Hardy et al.

In particular, applicant's independent claims include the limitation, or a limitation similar thereto, of:

the operation unit adapted to select between receiving an input signal and a test signal and to perform a test round of the circuit operation when the test signal is selected;

the circuit adapted to compare a reference value with a result of the test round, the reference value identifying a correct value for the result of the test round when the operation unit is operating under the predetermined range of operating conditions . . . (claim 1, emphasis added).

Hardy et al., however, only discloses "encryption systems implemented in software." (Hardy et al., Field of invention). In particular, Hardy et al. discloses a system and method to incorporate high assurance software encryption algorithms into existing communications systems etc. (Hardy, col. 2, lines 16-22).

Hardy does not disclose nor suggest a circuit to select between receiving an input signal and a test signal and to perform a test round of the circuit operation when the test signal is selected, as is claimed by applicant. Rather, Hardy et al. essentially only discloses encrypting data and comparing the results with the expected results.

In the preferred embodiment, each of encryption algorithms 45 are configured to generate a unique set of state vectors 46 at various points throughout the execution of the selected encryption algorithm 45. . . . State vectors 46 are used to inform state monitor 30 that specific sections of a selected software encryption algorithm have been executed. State vectors 46 will be discussed in greater detail below.

. . . . State monitor 30 includes an input 48 coupled to encryption processor 22 for receiving state vectors 46. A comparator 52 of state monitor 30 compares state vectors 46 with the predetermined state vectors from memory element 50 . . . (Hardy et al., col. 3, lines 26-49).

Therefore, as a result of applicant's independent claims 1 and 4 including limitations that are not disclosed nor suggested by Hardy et al., applicant's claims 1 and 4 are not anticipated by Hardy et al.

Furthermore, the claims that depend from either independent claim 1 or 4, as discussed above, also include the distinguishing claim limitations. As a result, the dependent claims are also not anticipated and are patentable of Hardy et al.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 3, 7-9 and 11-15 under 35 U.S.C. § 103(a) as being unpatentable over Hardy in view of U.S. Patent 6,330,668 (hereinafter "Curiger").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

As amended, applicant's independent claims 8 and 14 include the claim limitations that are not disclosed nor suggested by Hardy et al. or Curiger. In particular, applicant's independent claims 8 and 14 include the amended limitation, or a limitation similar thereto, of an oscillator adapted to produce a frequency greater than the first and second frequencies of the clock signal. The amended limitation is not disclosed nor suggested by Hardy et al. or Curiger, and therefore, applicant's amended independent claims 8 and 14 are patentable over Hardy et al. or Curiger.

Furthermore, the remaining claims depend from one of the independent claims discussed above and therefore also include the distinguishing claim limitations. As a result, the remaining claims are also patentable.

CONCLUSION


Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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John P. Ward
Reg. No. 40,216

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300